



(29)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: Hon'ble Shri Jagdish Bhalla Ag. CJ &
Hon'ble Shri Dilip Raosaheb Deshmukh J.

M. A. (C) NO. 760 OF 2007

APPELLANTS
(CLAIMANTS)

1. Smt. Kunwar Bai Yadav W/o Late Agnu Ram, Aged about 32 years
2. Deepak Kumar S/o Late Agnu Ram, Aged about 13 years
3. Dinesh Kumar S/o Late Agnu Ram, Aged about 08 years
4. Jageshwar S/o late Agnu Ram, Aged about 05 years
5. Rakesh Kumar S/o Late Agnu Ram, Aged about 08 years

Applicants No.2 to 5 are minors Through Natural Guardian Mother Smt. Kunwar Bai Yadav W/o Late Agnu Ram

All are R/o Village – Baroda, P.S. – Berla, Tehsil – Damdha, Dist : Durg (C.G.), presently residing at Maa Karma Prathmik Shala Parisar, Tathiband, Raipur, Dist. : Raipur (C.G.)

Vs.

RESPONDENTS
NON APPLICANTS

1. Mohammad Maksood S/o – Mohammad Minazir, Aged about 30 years, Caste – Musalman, R/o Plot No. 31, Near Bagmare House, Tekanaka, P.S. – Jareep Harwa, Dist : Nagpur – (M.S.) Driver of Truck No.C.G.04J-8634—
2. Baghwant Singh S/o Niranjan Singh, Aged about 40 years Caste – Sikh, Through – Satsangh Road Lines, Tekanaka, Baba Budhaji Nagar, Kamptee Road, Nagpur – (M.S.) Owner of Truck No.C.G.04J-8634
3. National Insurance Company Ltd. Nagpur, Maharashtra Through – National Insurance Company Akash Ganga, Supela, Bhilai, Tehsil & Distt. Durg (C.G.), Policy No. & Year 281108/31/05/6300004226 period

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20.12.2005 to 19.12.2006, Policy
issued by National Insurance company
Ltd. Vardhman Nagar, Nagpur (M.S.) --
-Insurer of Truck No. C.G.04J-8634--

Miscellaneous Appeal under Section 173 of Motor Vehicle Act

Present: Shri Hanuman Prasad, counsel for the appellants.

ORAL ORDER
(Passed on 10th July, 2007)

The following oral order of the Court was passed by Dilip Raosaheb
Deshmukh, J.

Heard.

This appeal by the claimants being the widow and four minor sons arises out of the award dated 28.02.2007 passed by the Motor Accident Claim Tribunal, (F.T.C.) Durg (henceforth 'the Tribunal') in Claim Case No.09/2006 whereby in a case of accidental death of Agnu Ram, aged about 40 years, a coolie, the Tribunal has awarded Rs.3,43,800/- as compensation.

Learned counsel for the appellants assailed the impugned award only on two grounds. Firstly, that the compensation awarded by the learned Tribunal under conventional heads is too low, and lastly the monthly income of the deceased assessed by the Tribunal is also on the lower side. No other point was urged.

Having considered the submissions made by learned counsel for the parties, we have perused the impugned award. Deceased Agnu Ram was working as a coolie. The Tribunal, after proper appreciation of evidence and record assessed daily income of the deceased as Rs.100/-, monthly income as Rs.2600/- and correctly applied multiplier of 16. Besides this, the Tribunal also awarded compensation under the following heads:-

a. Loss of dependency

Rs.3,32,800/-.

- b. Funeral expenses Rs.2000/-
c. Loss of love and affection for minor children Rs.4000/-
d. Loss of Consortium Rs.5000/-

Total Rs.3,43,800/-

In this manner, we are of the considered opinion that the compensation awarded by learned Tribunal is just and reasonable. Appeal being devoid of merit is dismissed at the stage of admission itself.

Sd/-
Ag. Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Karuna